

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 5226 of 1997

Shri Hareshwar Ramdas Chakle
Indraprastha Nagar
Plot No.18,
Shivajinagar, Khadke Chawl
Panchariya Wada, Behind Ganesh
Chawl, Jalgaon

..Petitioner

vs.

1. State of Maharashtra
through its Secretary
Tribal Development Department
Mantralaya, Mumbai 32

2. Chairman
Committee for Scrutiny and
Verification of Scheduled
Tribe Claims, Maharashtra State
Nashik

3. Executive Magistrate
Jalgaon, Dist. Jalgaon

4. Asstt.Pay & Accounts Officer
Lekha Kosh Bhavan, "A" Wing
Bandra Kurla Complex,
Bandra (E), Mumbai 51

5. Dy.Chief Audit Local Fund
Accounts (Senior)
Nashik Division, Jawahar
Market, 2nd floor, Nashik Road
Nashik

..Respondents

Shri R.K.Mendadkar for petitioner
Shri C.R.Sonawane, A.G.P. for respondents

**CORAM: A.P.SHAH AND
S.C.DHARMADHIKARI JJ
14th OCTOBER, 2004**

P.C.

1. Heard Advocates.

2. This petition can be allowed on a short ground. In so far as the impugned order passed by the Scrutiny Committee is concerned, it was stated that the petitioner has furnished in all 20 documents to corroborate his caste claim. Out of these documents the Committee has discarded the school record pertaining to the candidate and his relatives solely on the ground that these documents are recent ones i.e. after the first Presidential Order of 1950 notifying the Scheduled Tribes. The Committee observed that these documents cannot be treated as conclusive proof to determine the candidate's tribe claim. We cannot approve the approach of the Committee. If the documents pertain to the period after the Presidential Order of 1950 they cannot be ignored. It has been held by the Supreme Court that in caste matters conclusive proof is not necessary. What is required to be seen is the probative value of the documents which are produced before the Committee and pressed in service by the applicant. In the present case since no documents prior to 1950 were on record it was incumbent for the Scrutiny Committee to consider the probative value of the documents which were placed on record and take appropriate decision on merit. We, therefore, quash and set aside the order of the Scrutiny Committee and remit the matter to decide the same

in accordance with law keeping in view the documents placed on record. The Committee shall take decision as expeditiously as possible and in any event within six weeks from today.

3. The petitioner shall appear before the Scrutiny Committee on 1st November, 2004.

4. All contentions on merit are left open to the parties.

5. In case the scrutiny committee's judgment is adverse to the petitioner it will not be given effect for a period of two weeks from the date of its communication to the petitioner.

6. The petition is disposed of in the above terms.